

MARC JOSEPH HLADEK, SR.,)	Case No.: 1:22-cv-1180 JLT HBK
)	
Plaintiff,)	ORDER ADOPTING THE FINDINGS AND
)	RECOMMENDATIONS, GRANTING
)	PLAINTIFF’S MOTION FOR SUMMARY
)	JUDGMENT IN PART, GRANTING
v.)	DEFENDANT’S MOTION TO REMAND FOR
)	FURTHER PROCEEDINGS, AND
MARTIN O’MALLEY,)	REMANDING TO THE CASE FOR FURTHER
Commissioner of Social Security, ¹)	PROCEEDINGS
)	
Defendant.)	(Docs. 14, 19, 21)
)	
)	ORDER DIRECTING ENTRY OF JUDGMENT
)	IN FAVOR OF PLAINTIFF AND AGAINST
)	DEFENDANT COMMISSIONER OF SOCIAL
)	SECURITY

The magistrate judge found “there are outstanding issues that must be resolved before a

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determination can be made, and it is not clear from the record that the ALJ would be required to find a claimant disabled if all the evidence were properly evaluated. . .” (Doc. 21 at 11; *see also id.* at 8-11.) Therefore, the magistrate judge determined a “remand for further proceedings is appropriate.” (*Id.* at 11.) The magistrate judge recommended Plaintiff’s motion for summary judgment be granted in part, the Commissioner’s motion to remand for further administrative proceedings be granted, and the final decision be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (*Id.*)

The Court served the Findings and Recommendations on the parties and notified them that any objections were due within 14 days. (Doc. 21 at 12.) The Court advised the parties that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on January 12, 2024 (Doc. 21) are **ADOPTED** in full.
2. Plaintiff’s Motion for Summary Judgment (Doc. 14) is **GRANTED IN PART**.
3. Defendant’s Motion to Remand for Further Administrative Proceedings (Doc. 19) is **GRANTED**.
4. Pursuant to sentence four of 42 U.S.C. § 405(g), the Court **REVERSES** the Commissioner’s decision and **REMANDS** the action for further proceedings.
5. The Clerk of Court **SHALL** enter judgment in favor of Plaintiff Marc Joseph Hladek, Sr., and against Defendant Commissioner of Social Security.

IT IS SO ORDERED.

Dated: **January 29, 2024**


UNITED STATES DISTRICT JUDGE